



U.S. Army Corps  
of Engineers  
Buffalo District  
CELRB-TDR

# Public Notice

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Applicant: Stream + Wetlands Foundation

Published: January 29, 2021

Expires: March 1, 2021

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Application No: LRB-2020-01259  
Section: OH

All written comments should reference the above Application No. and be addressed to:

**Attn: Susan L. Baker**  
**Regulatory Branch**  
**US Army Corps of Engineers, Buffalo District**  
**1776 Niagara Street**  
**Buffalo, NY 14207**

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**THIS NOTICE ANNOUNCES A PROSPECTUS THAT HAS BEEN SUBMITTED FOR THE DEVELOPMENT OF A WETLAND AND STREAM UMBRELLA MITIGATION BANKING INSTRUMENT COVERING THE GRAND RIVER WATERSHED WITH AN INITIAL MITIGATION BANK SITE, REFERRED TO AS THE TRUMBULL CREEK PHASE 3 WETLANDS MITIGATION BANK, PURSUANT TO 33 CFR 332, COMPENSATORY MITIGATION FOR LOSSES OF AQUATIC RESOURCES (FEDERAL REGISTER: APRIL 10, 2008, EFFECTIVE JUNE 9, 2008).**

**BANK SPONSOR:** Stream + Wetlands Foundation  
123 South Broad Street, Suite 238  
P.O. Box 369  
Lancaster, OH 43130

**LOCATION:** The Trumbull Creek Phase 3 Wetlands Mitigation Bank (TC3) is divided into a 30.2-acre "North Section" and a 5.5-acre "South Section". Both Sections are adjacent to the Sponsor's 462-acre Trumbull Creek Wetland Mitigation Bank Phases 1 and 2 (Sheet 1 of 13). TC3 is located within the Corps - Buffalo District regulatory boundary in the Grand River Watershed (USGS 8-digit Hydrologic Unit Code 04110004). TC3 is situated north of State Route 166 and west of Dawsey Road, Trumbull Township, Ashtabula County, Ohio (North Section: latitude 41.664186°, longitude -80.988970°; South Section: latitude 41.65353889°, longitude -80.99472222°).

**BACKGROUND:** The U.S. Army Corps of Engineers (Corps) has the authority to issue permits under Section 404 of the Clean Water Act for discharges of dredged or fill material into waters of the United States, including jurisdictional wetlands, and Section 10 of the Rivers and Harbors Act of 1899 for structures or work in navigable waters. Permittees must satisfy "mitigation

sequencing" as a condition for permit issuance. Mitigation sequencing requires permittees to first avoid and minimize impacts to aquatic resources to the extent practicable. Permittees may also be required to provide "compensatory mitigation" for any remaining unavoidable impacts to aquatic resources. Compensatory mitigation may be performed using the methods of restoration, enhancement, establishment, and in certain circumstances preservation.

Three different mechanisms are available to satisfy compensatory mitigation requirements. When evaluating compensatory mitigation options, the Corps will consider what would be environmentally preferable to offset the authorized impacts to aquatic resources. "Permittee-responsible mitigation" involves a permittee retaining full responsibility for their compensatory mitigation obligations and providing compensation for their own permitted impacts to aquatic resources.

Two other mechanisms for compensatory mitigation, mitigation banks and in-lieu fee programs, involve third-party mitigation providers that assume legal responsibility for providing the required compensatory mitigation of multiple permittees at one or more off-site locations. "Mitigation bank" means a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing compensatory mitigation for impacts authorized by DA permits. The operation and use of a mitigation bank are governed by a mitigation banking instrument. An umbrella mitigation banking instrument allows future authorization of additional mitigation bank sites to be incorporated into a mitigation banking instrument by way of a mitigation banking instrument modification. "In-lieu fee program" means a program involving the restoration, establishment, enhancement, and/or preservation of aquatic resources through funds paid to a governmental or non-profit natural resources management entity to satisfy compensatory mitigation requirements for DA permits. The operation and use of an in-lieu fee program are governed by an in-lieu fee program instrument.

As indicated in the Corps regulations (33 CFR 332.8(b)), the district engineer will establish an Interagency Review Team (IRT) to review documentation for the establishment and management of mitigation banks and in-lieu fee (ILF) programs. The primary role of the IRT is to facilitate the establishment of mitigation banks and/or ILF programs through the development of mitigation banking or ILF program instruments. The IRT reviews draft prospectuses, prospectuses, instruments, and other documents and provides comments to the Corps. The Ohio IRT consists of the following federal and state resource agencies: Corps - Buffalo, Huntington, and Pittsburgh Districts, U.S. Environmental Protection Agency (USEPA), U.S. Fish and Wildlife Service (USFWS), U.S. Department of Agriculture's Natural Resources Conservation Service, Ohio Environmental Protection Agency (OEPA), and Ohio Department of Natural Resources.

**PROJECT DESCRIPTION:** The Bank Sponsor has submitted a prospectus to the Corps - Buffalo District to establish a stream and wetland Umbrella Mitigation Banking Instrument (UMBI) for the Grand River Watershed with one initial proposed mitigation bank, TC3.

The overall objective of the UMBI and TC3 is to generate compensatory mitigation credits to offset unavoidable adverse effects to wetlands and streams within the Service Area, as described

below. Credits would be generated through the restoration (re-establishment and rehabilitation), establishment, enhancement and/or preservation of wetlands and streams and the restoration and/or preservation of upland buffers within the boundaries of TC3 and any future mitigation sites added to the UMBI.

**SERVICE AREA:** Service area means the geographic area within which impacts can be mitigated at a specific mitigation bank. The UMBI proposes to provide compensatory mitigation for projects resulting in unavoidable impacts to streams and wetlands within the following Service Area:

1. For impacts to Federal jurisdictional waters, the Service Area would encompass the entire Grand River Watershed;
2. For impacts to aquatic resources that are not waters of the United States but are waters regulated by the State of Ohio, the Service Area would follow the requirements of Chapter 6111 of the Ohio Revised Code (“ORC”), and as it may be amended; and

For wetland and stream impacts outside the geographic areas described in items 1 and 2 above, on a case-by-case basis, the Corps and/or Ohio EPA could determine the appropriateness of a specific mitigation bank to provide compensatory mitigation for a particular impact, consistent with applicable state and federal regulations and laws, including but not limited to 33 CFR §332, ORC §6111, and Ohio Administrative Code §3745-1-54. Additionally, approved mitigation credits established at the mitigation site(s) authorized under this instrument could also be purchased and used by in-lieu fee program sponsors to meet mitigation obligations for impacts located within the Service Area, and outside of the Service Area, on a case-by-case basis as approved by the Corps and/or Ohio EPA.

**TC3 PROPOSAL:** The TC3 property is relatively flat, with elevations ranging from approximately 1,055 to 1,062 feet. Seven wetlands totaling 5.8 acres were identified within the boundaries of TC3. Within the North Portion of the project, the delineated wetlands are small, emergent and scrub-shrub wetlands that have been disturbed by agricultural activities. No streams are present in the North Portion. A total of 675 linear feet of streams and 3.7 acres of wetland are present in the South Portion. The Corps has not yet verified the limits of aquatic resources at TC3.

The Bank Sponsor proposes to generate wetland credits at TC3 through the re-establishment of 0.8 acres of non-forested wetlands and 22.6 acres of forested wetlands, rehabilitation of 1.8 acres of existing Category 1 emergent wetlands, rehabilitation of 2.4 acres of existing degraded forested and scrub/shrub wetlands, re-establish 5.3 acres of upland forest within 100-feet of wetlands, rehabilitate 1.0 acre of existing upland forest within 100-feet of wetlands, and preserve 1.4 acres of existing Category 3 developing forested wetlands. TC3 is anticipated to produce 24.9 total wetland credits.

Upon approval of TC3 under the UMBI, the Bank Sponsor would provide long-term protection through recordation of a permanent site protection instrument (e.g. conservation easement, environmental covenant, or other form acceptable to the Corps). A designated third-party manager would be responsible for long-term management after bank closure. Financial assurances would be provided through the use of a construction performance bond and credit

release schedule.

The entire prospectus for the UMBI and TC3 may be found on the Buffalo District's website along with this Public Notice: <http://www.lrb.usace.army.mil/Missions/Regulatory/Public-Notices/>

Location and details of the proposed TC3 Mitigation Bank are shown on the attached documents.

**WATER QUALITY CERTIFICATION:** A Section 401 Water Quality Certification may be required from the OEPA in conjunction with the proposed establishment of mitigation sites.

**HISTORIC AND CULTURAL RESOURCES:** Based on preliminary findings, there do not appear to be any properties listed in, or eligible for listing in, the National Register of Historic Places within the area of potential effects as shown on Sheet 1 of 13. The Ohio Historic Preservation Office (OHPO) Geocortex Viewer (Viewer) was reviewed for eligible or listed historic federal properties at or near the proposed Site. No known eligible or listed federal historic properties or cultural resources were identified within or adjacent to the Site as per the Viewer. Additionally, the Archeological Atlas of Ohio (Mills, 1914) does not depict any resources within or immediately adjacent to the Site. This notice constitutes initiation of consultation with the OHPO per Section 106 of the National Historic Preservation Act. The Corps has determined that no historic properties will be affected by the proposed Site establishment and requests concurrence with this determination. Should any additional information concerning historic properties or cultural resources be submitted to the Corps before the end of the comment period of this notice, the Corps will forward the submitted information to the OHPO for their review.

**THREATENED & ENDANGERED SPECIES:** Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts associated with TC3 bank site to: Indiana bat, northern long-eared bat, piping plover, and rufa red knot, and to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

**COMMENT PERIOD:** Written statements received in this office within 30 days from the date of this notice will become a part of the record and will be considered in the determination. Comments or questions pertaining to the work described in this notice should reference the Application Number and be directed to the attention of Susan L. Baker, who can be contacted at the above address, by calling (716) 879-4474, or by e-mail at: Susan.L.Baker@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

**EVALUATION:** After the end of the comment period, the district engineer will review all comments received and make an initial determination as to the potential of the proposed project to provide compensatory mitigation for activities authorized by Department of the Army permits.

The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; American Indian Tribes; and other interested parties in order to consider and evaluate the proposed activity. All comments received will be considered by the Corps during the

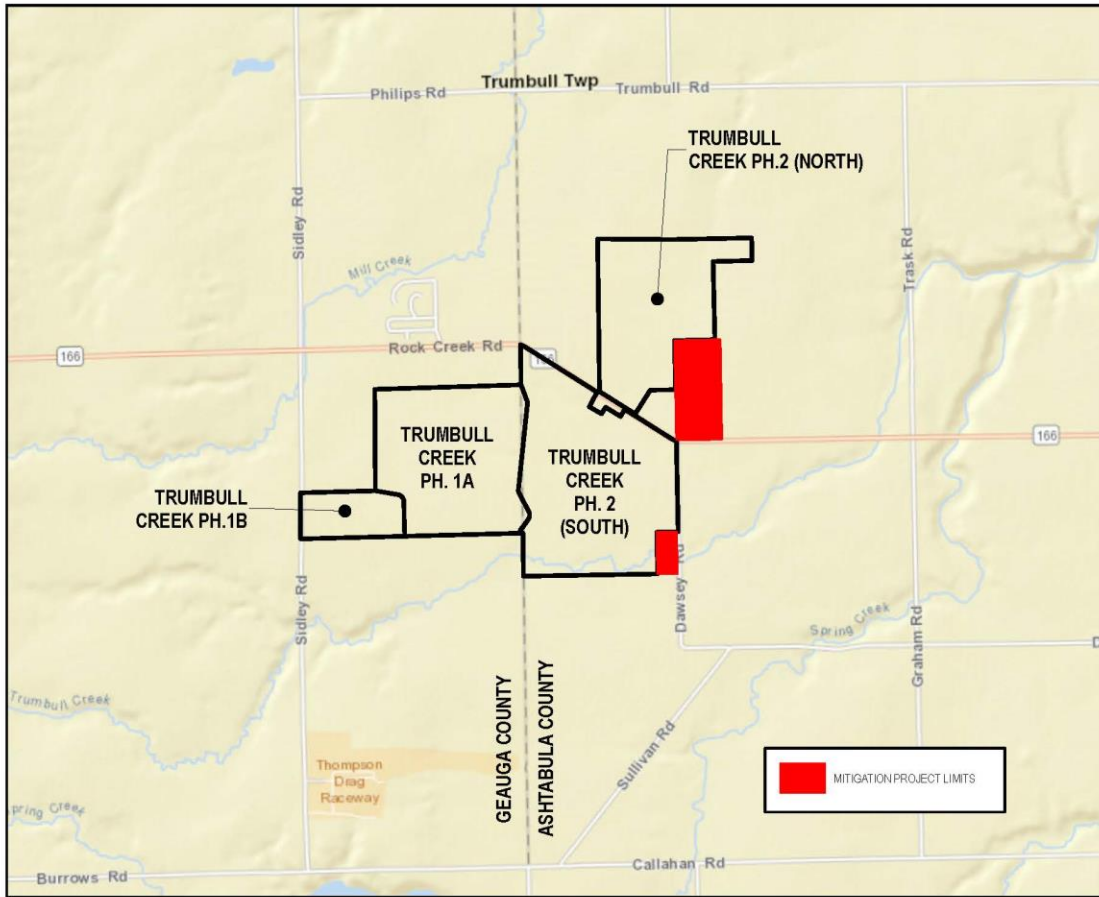
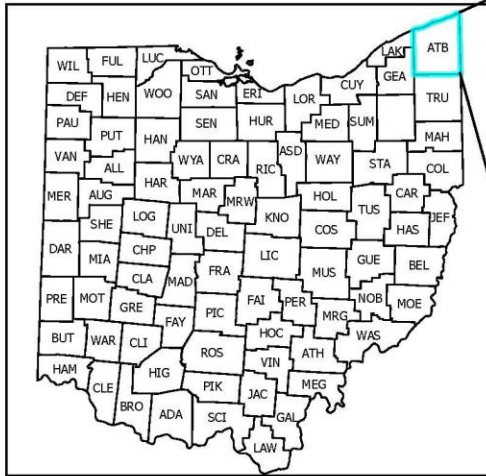
formulation of the initial determination of potential for the proposed activity.

**REQUEST FOR PUBLIC HEARING:** Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

**SIGNED**

Mark W. Scalabrino  
Acting Chief, Regulatory Branch

**NOTICE TO POSTMASTER:** It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

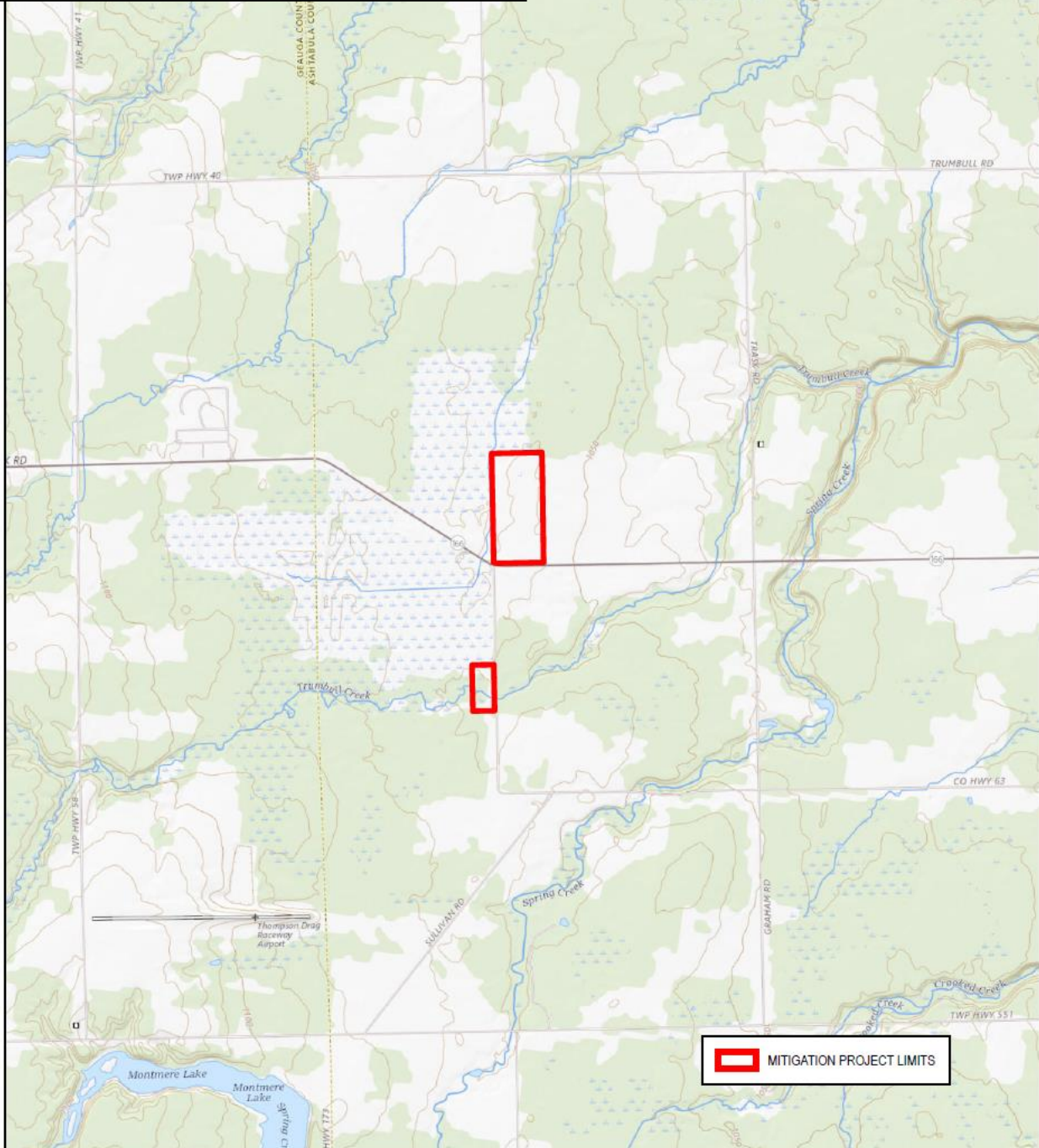




Stream + Wetlands Foundation- TC3  
D/A Processing No. LRB-2020-01259  
Ashtabula County, Ohio  
Quad: East Trumbull  
Sheet 2 of 13



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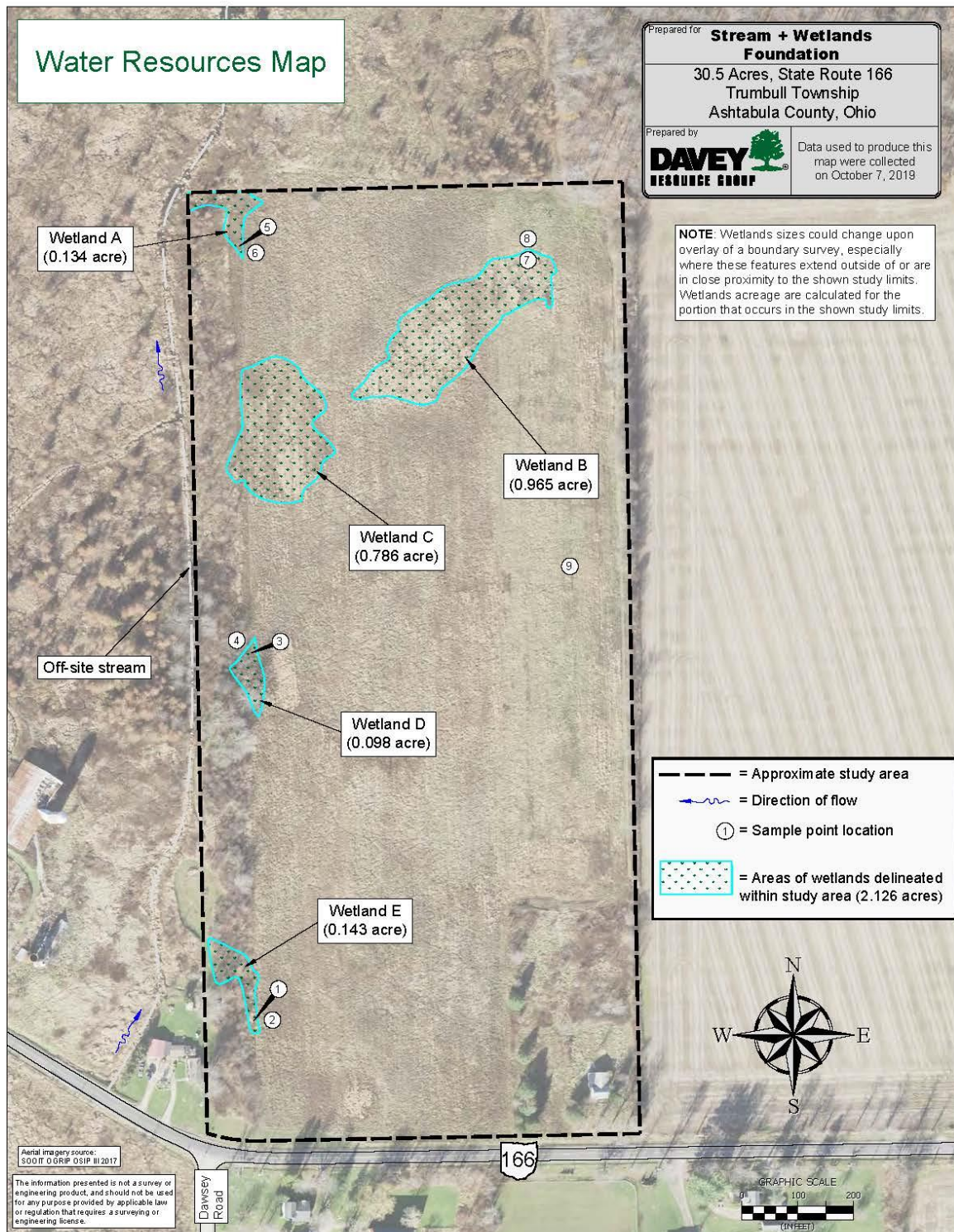
 Stream and Wetlands  
FOUNDATION

TRUMBULL CREEK PHASE 3  
WETLANDS MITIGATION BANK SITE

USGS NATIONAL MAP

A.2

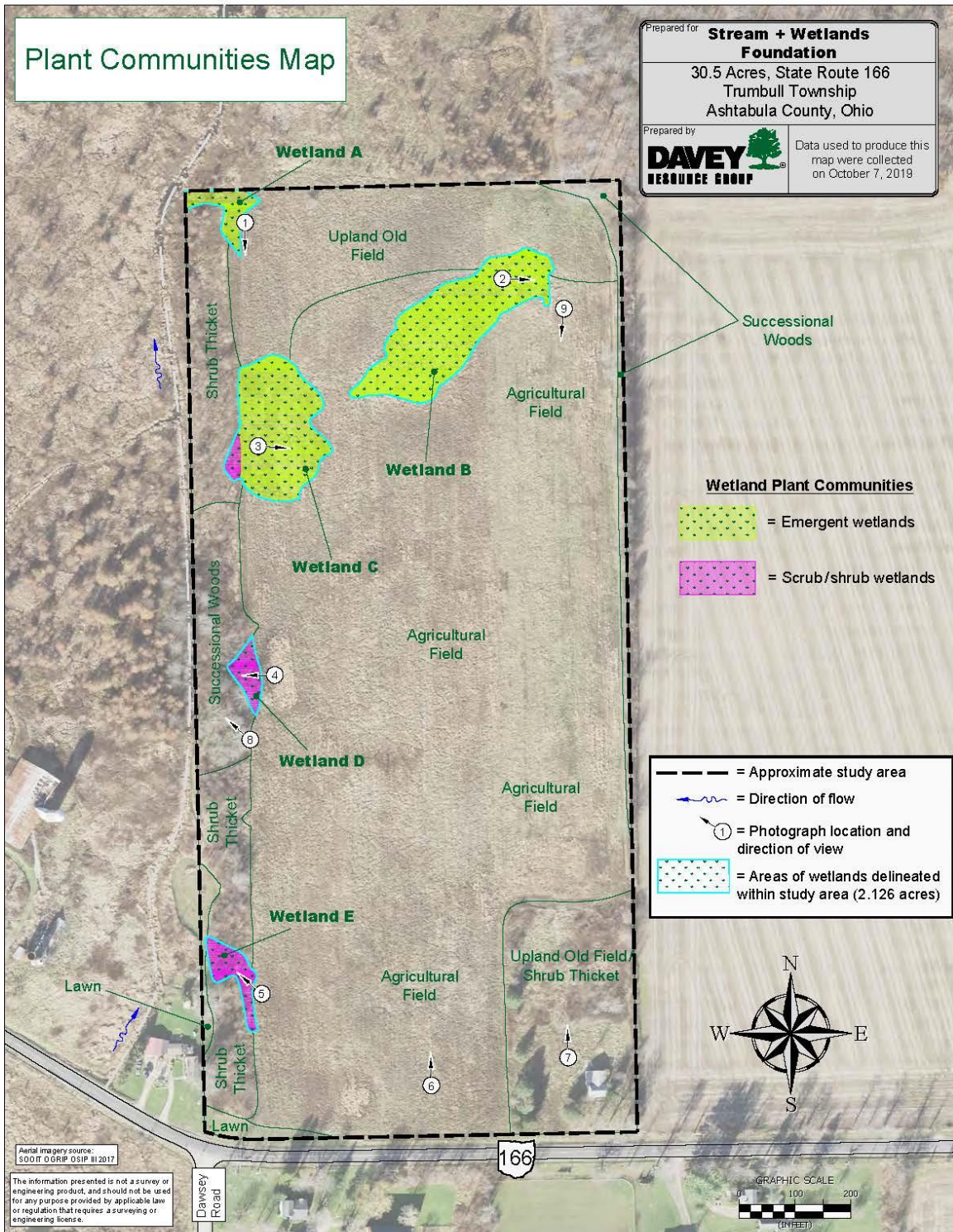




Stream + Wetlands Foundation- TC3  
D/A Processing No. LRB-2020-01259  
Ashtabula County, Ohio  
Quad: East Trumbull  
Sheet 3 of 13



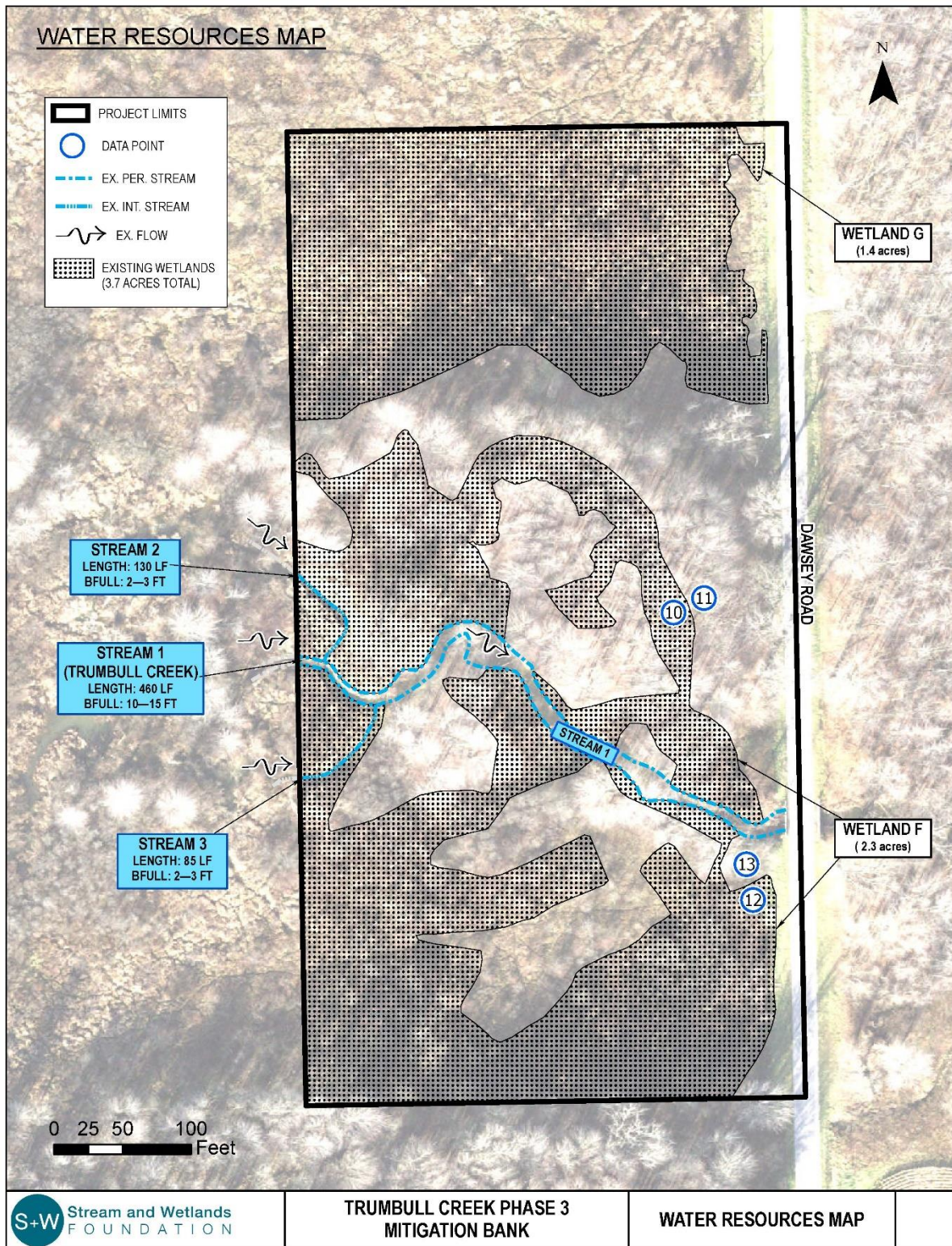




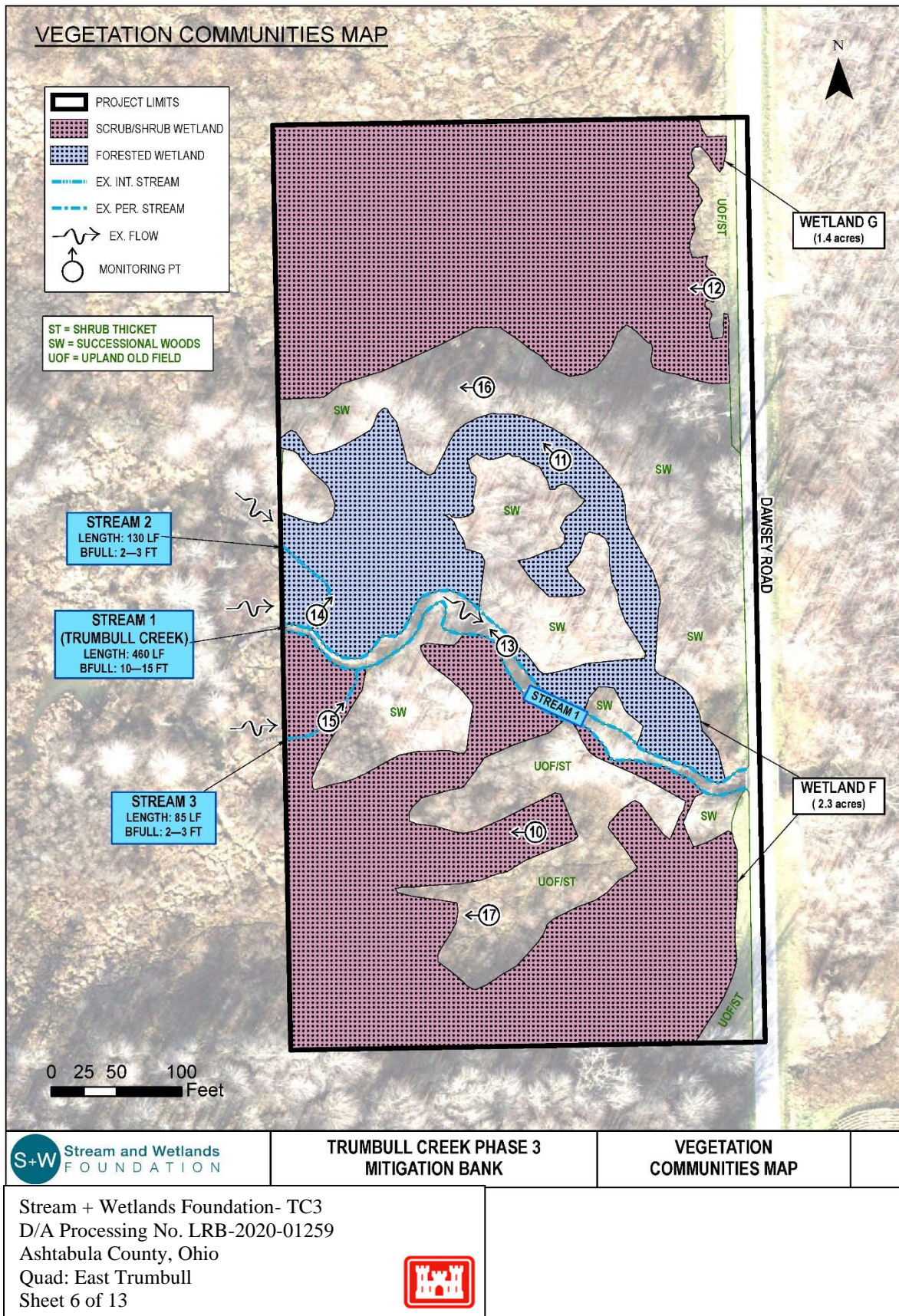
Stream + Wetlands Foundation- TC3  
 D/A Processing No. LRB-2020-01259  
 Ashtabula County, Ohio  
 Quad: East Trumbull  
 Sheet 4 of 13



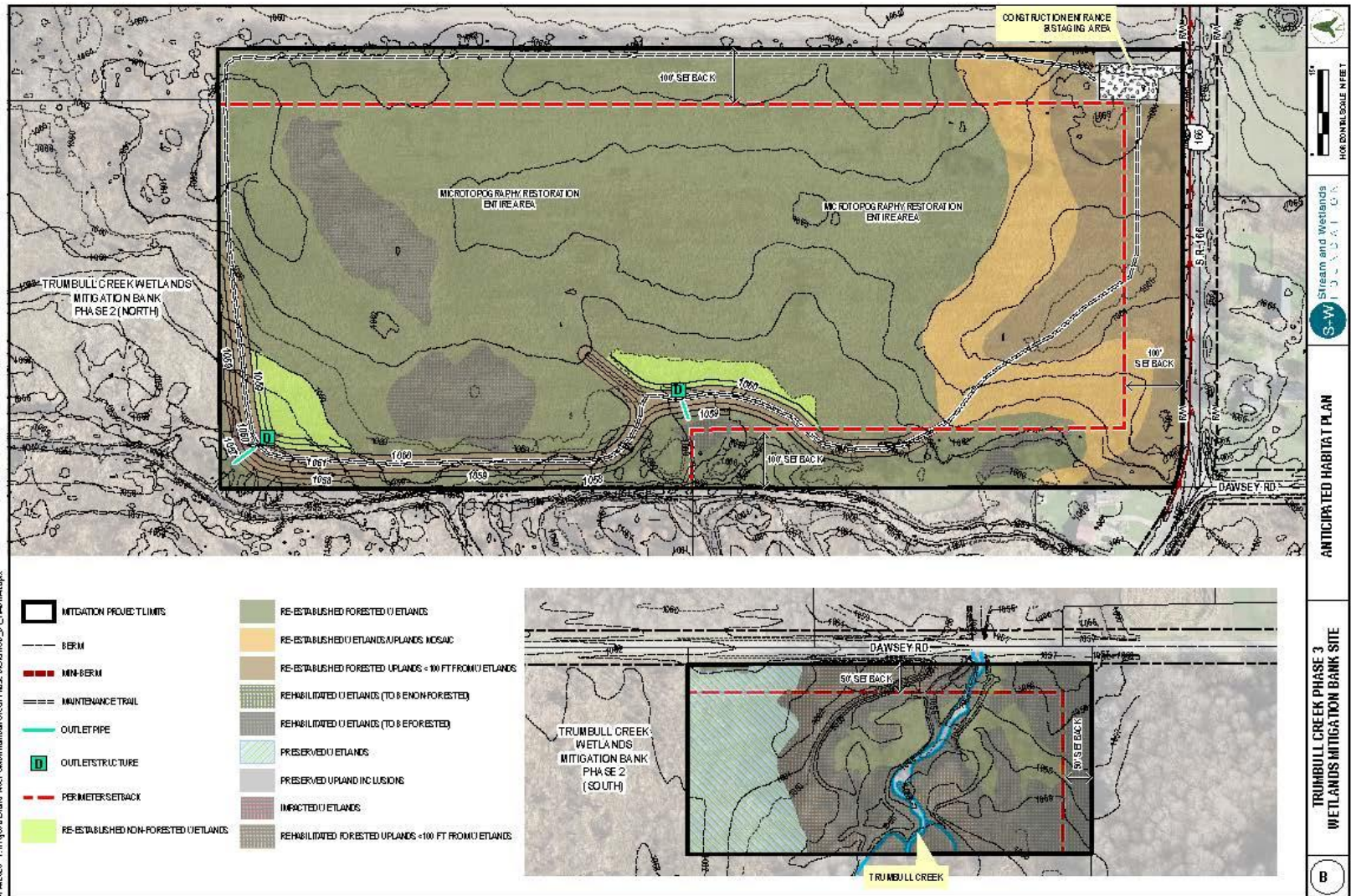








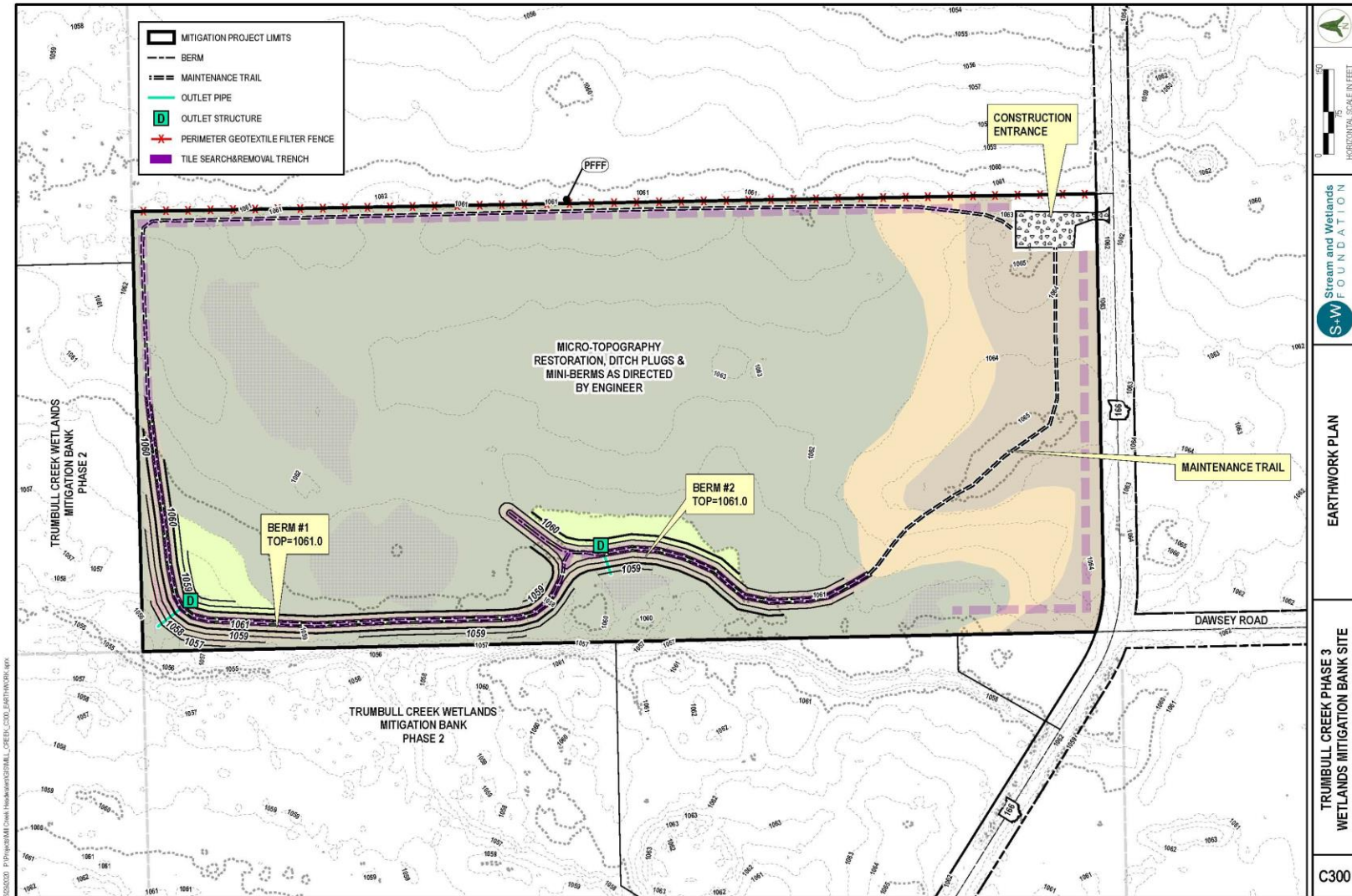




Stream + Wetlands Foundation- TC3  
D/A Processing No. LRB-2020-01259  
Ashtabula County, Ohio  
Quad: East Trumbull  
Sheet 7 of 13







Stream + Wetlands Foundation- TC3  
 D/A Processing No. LRB-2020-01259  
 Ashtabula County, Ohio  
 Quad: East Trumbull  
 Sheet 8 of 13



**SPONSOR**  
STREAM + WETLANDS FOUNDATION  
123 S. BROAD STREET, SUITE 238  
P.O. BOX 349  
LANCASTER, OH 43130  
P.740.854.4016

**EXISTING SITE CONDITIONS**  
THE EXISTING SITE IS USED FOR AGRICULTURAL CROP PRODUCTION.

**PROJECT DESCRIPTION**  
THE PROJECT WILL RE-ESTABLISH FORESTED AND NON-FORESTED WETLANDS ACROSS THE MAJORITY OF THE SITE'S ACTIVE RESTORATION AREA.

**RECEIVING STREAM**  
UNNAMED TRIBUTARY TO MILL CREEK

**ADJACENT AREAS**  
THE SITE IS BORDERED TO THE NORTH AND EAST BY THE TRUMBULL CREEK WETLANDS MITIGATION SITE, SOUTH BY OH-166/FOOTVILLE-RICHMOND ROAD, AND EAST BY AGRICULTURAL FIELDS.

**SOILS**  
SOILS LOCATED WITHIN THE EARTH DISTURBED AREA ARE AS FOLLOWS:  
MhA- MILL SILT LOAM, 0 TO 2%  
P/A - PLATEAU-DARIEN SILT LOAM, 0 TO 2%  
PrB - PLATEAU-DARIEN SILT LOAM, 2 TO 6%

**EROSION AND SEDIMENT CONTROL MEASURES**  
THE DESIGN INTENT OF THE PROJECT IS TO RESTORE WETLAND HYDROLOGY BY CONTAINING RUNOFF ONSITE. RUNOFF WILL BE CONTAINED THROUGH THE DISRUPTION OF SURFACE AND SUB-SURFACE DRAINAGE. AREAS WHERE RUNOFF WILL EXIT THE SITE WILL HAVE PERIMETER GEOTEXTILE FILTER FENCE INSTALLED.

**PERMANENT STABILIZATION**  
THE SITE WILL BE STABILIZED BY THE USE OF PERMANENT SEEDING APPLICATIONS.

**MAINTENANCE**  
ALL EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE INSPECTED BY THE CONTRACTOR DAILY AND AFTER SIGNIFICANT RAINFALLS PER THE OHIO EPA GENERAL CONSTRUCTION PERMIT.

**EROSION AND SEDIMENT CONTROL SEQUENCE**  
1. INSTALL STABILIZED CONSTRUCTION ENTRANCE.  
2. CLEAR AND GRUB AS NECESSARY FOR THE INSTALLATION OF EROSION AND SEDIMENT CONTROL DEVICES.  
3. INSTALL PERIMETER E&S CONTROLS.  
4. HABITAT/HYDROLOGY RESTORATION, GENERALLY BEGINNING AT THE UPSLOPE REACHES OF THE PROJECT SITE, WORKING DOWNSLOPE.  
5. PERMANENTLY STABILIZE/SEED DISTURBED AREAS.

**NPDES GENERAL PERMIT NUMBER**  
PENDING

**BMP ID LEGEND**

(CIP) CURB INLET PROTECTION	(MTR) MICRO-TOPOGRAPHY RESTORATION
(CE) CONSTRUCTION ENTRANCE	(MBMP) MINI-BERM / MICRO-POOL
(CF) CONSTRUCTION FENCE	(PFF) PERIMETER FILTER FABRIC FENCE
(ES) EMERGENCY SPILLWAY	(PS) PERMANENT SEEDING
(ECM) EROSION CONTROL MATTING	(RCP) ROCK CHANNEL PROTECTION
(FFDC) FILTER FABRIC DITCH CHECK	(RDC) ROCK DITCH CHECK
(IP) INLET PROTECTION	

EX FLOW / DRAINAGE PATH (PRE-CONSTRUCTION)  
PROPOSED FLOOD ROUTING

**TEMPORARY BENCHMARKS**  
THE TEMPORARY BENCHMARKS LISTED BELOW ARE FOR REFERENCE ONLY. THE CONTRACTOR IS RESPONSIBLE FOR SETTING ALL BENCHMARKS NEEDED TO COMPLETE CONSTRUCTION PRIOR TO USE OF THE ELEVATIONS LISTED BELOW. THE CONTRACTOR IS RESPONSIBLE TO CROSS-CHECK FOR DISTURBANCE.

#	DESCRIPTION	ELEVATION
	OBLFACW (0.8 AC)	
	FACW (19.7 AC)	
	FACW-FAC (2.8 AC)	
	FAC-FACU (4.6 AC)	
	FAC-FACU (2.0 AC)	
	IMPACTED WETLANDS (0.1 AC)	

**PERMANENT SEEDING & PLANTING**  
AREAS TO BE PERMANENTLY SEEDING AND PLANTED ARE SHOWN SHADED BY THE HABITAT TYPES LISTED BELOW. THIS WORK TO BE PERFORMED BY SEPARATE SEEDING AND FORESTRY CONTRACTORS. FINAL SEED, BAREROOT, LIVE STAKE AND TREE SPECIES LISTS AND QUANTITIES WILL BE BASED ON AVAILABILITY AND SUPPLIED IN THE ANNUAL MONITORING REPORTS.

**LEGEND**

- MITIGATION PROJECT LIMITS
- BERM
- MAINTENANCE TRAIL
- OUTLET PIPE
- OUTLET STRUCTURE

**TRUMBULL CREEK WETLANDS MITIGATION BANK PHASE 2**





## GENERAL PROVISIONS

### SPECIFICATIONS

The current requirements of the Construction and Materials Specifications (CMS) of the Ohio Department of Transportation (ODOT), including all Supplemental Specifications (SS) thereto, specifications and details within these plans, as well as the manufacturer's recommendations for installation, shall govern the materials and workmanship to complete the improvements set forth in these plans.

### ENGINEER

The term "ENGINEER" in these plans shall mean the duly authorized agent of the PROJECT OWNER or PROJECT SPONSOR acting within the scope of its authority for purposes of engineering and administration of the Contract. The terms "DISTRICT ENGINEER" in these plans, supplemental plans, or project permits shall mean the United States Army Corps of Engineers (USACE).

### UTILITY LOCATIONS

The location of underground utilities shown on the plans are as obtained from the owners of utilities as required by section 153.04 ORC. Locations and elevations of existing utilities and structures shown in the plans are approximate only. It shall be the responsibility of the Contractor to determine the exact location and elevation when working in their vicinity.

The CONTRACTOR is responsible for the investigation, location, support, protection, and restoration of all existing utilities and appurtenances whether shown on these plans or not. It is the CONTRACTOR'S responsibility to ascertain the status and location of each utility when performing work which may affect these facilities, including probing, excavation, or any other precaution required to confirm location. The CONTRACTOR shall expose all utilities or structures prior to construction to verify the vertical and horizontal effect on the proposed construction. The contractor shall call, toll free, Ohio 811 center (1.800.382.2764) two days prior to construction and shall notify all utility companies at least 48 hours prior to work in the vicinity of their underground lines. The CONTRACTOR will be responsible for any damage or disruption to utility line which are known active and are to remain in operation.

### BIDDING REQUIREMENTS AND CONDITIONS

### INTERPRETATION OF QUANTITIES

The quantities in the GENERAL SUMMARY are approximate and the ENGINEER uses them for the comparison of Bids only. The Department will only pay the CONTRACTOR for the actual quantities of Work performed and accepted according to the Contract Documents. The Department may increase, decrease, or omit the scheduled quantities of Work as provided in 109.04 without invalidating the Bid prices.

### REVIEW OF PROJECT SITE

The Bidder will carefully examine the Bid Documents and perform a reasonable site investigation before submitting a Bid. Submitting a Bid is an affirmative statement that the Bidder has investigated the Project site and is satisfied as to the character, quality, quantities, and the conditions to be encountered in performing the Work. A reasonable site investigation includes investigating the Project site, borrow sites, hauling routes, and all other locations related to the performance of the Work.

The Bidder will give advanced notice to the ENGINEER prior to investigating the Project Site in order to gain access. No Bidder will enter the project site without prior authorization from the ENGINEER.

### CONTROL OF WORK

### EMERGENCY PHONE NUMBER

The CONTRACTOR shall provide the ENGINEER with a 24-hour telephone number to readily contact a responsible party in the case of an emergency. Costs and/or damages incurred related to work performed by the contractor in such emergencies are the contractor's responsibility and not that of the ENGINEER, PROJECT OWNER, PROJECT SPONSOR, or the property owner.

### LOAD RESTRICTIONS

Comply with all legal load restrictions when hauling materials or equipment on public roads. Operate equipment of a weight or so loaded as to not cause damage to structures, to the roadway, or to other types of construction.

No non-rubber tire vehicles shall be moved on any streets. Exceptions may only be granted by the local governing authority (LGA). Granting of exceptions to the contractor by the LGA must be provided to the ENGINEER in writing prior to any crossings. Any resulting damage must be repaired to the satisfaction of the local governing authority at the CONTRACTOR'S expense. If granted permission, the CONTRACTOR will use extreme care when operating non-rubber tire vehicles on streets or driveways to avoid marking or damaging the pavement. Protection of the pavement from damage resulting from the tracks of non-rubber tire vehicles utilized is required. A wood plank system,

used tires, rubber mats or other means as approved by the LGA will be used to protect the pavement. The cost of this work will be included in the unit price bid for the various items of the contract.

### CONTINGENCY QUANTITIES

Do not order materials nor perform work listed in the GENERAL SUMMARY for items designated by plan note to be used "AS DIRECTED BY ENGINEER." Payment for these items will be made only when the work under the particular item has been performed.

### WEATHER CONDITIONS

All construction and material usage shall be in accordance with climatic conditions addressed in current issue of the Ohio Department of Transportation Construction and Materials Specifications.

### DUST CONTROL

The CONTRACTOR is advised that his work will be in proximity to occupied residences. Therefore, it is expected the CONTRACTOR will perform higher earthwork operations to minimize dust. When conditions are such that dust becomes a major problem and as advised by the ENGINEER, the CONTRACTOR will apply a dust palliative per ODOT ITEM 616 DUST CONTROL.

### CONSTRUCTION NOISE

Activities and land use adjacent to this project may be affected by construction noise. In order to minimize any adverse construction noise impacts, any power-operated construction-type device shall not be operated between the hours of 9:00PM AND 7:00AM. In addition, any such noise shall not be operated at any time in such a manner that the noise created substantially exceeds the noise customarily and necessarily attendant to the reasonable and efficient performance of such equipment.

### HAIL ROADS AND BORROW AREAS

The construction, maintenance and removal of all haul roads from the borrow areas shall be the responsibility of the CONTRACTOR and be considered incidental to the work. Borrow areas shall be maintained during construction in a graded condition such that drainage is assured and that operations can resume quickly after precipitation periods. No borrow shall be obtained outside of designated borrow areas or designated depths or elevations without approval from the ENGINEER. Following completion of the work, borrow areas are to be left in a condition acceptable to the ENGINEER and all haul roads, access roads and temporary crossings are to be removed.

### PAVEMENT CLEANING

The CONTRACTOR is hereby notified that he/she shall be responsible for cleaning of streets of any mud, dirt, sand, gravel, stones, or any kind of material that have deposited as a result of his/her or sub-contractor's operations. Pavements shall be cleaned at the end of each work day or more often as determined by the ENGINEER or local governing authority.

### FINAL CLEAN UP

The CONTRACTOR shall clean up all debris and materials resulting from his operations and restore all surfaces, structures, ditches, and property to its original condition to the satisfaction of the ENGINEER.

### LEGAL RELATIONS AND RESPONSIBILITY TO PUBLIC

### WORKING HOURS

Working hours are limited to 7:00AM TO 7:00PM MONDAY THROUGH FRIDAY & 7:00AM TO 5:00PM ON SATURDAY. No work shall be performed on Sunday or holidays without prior written approval. If the contractor needs to work on Sunday or a Holiday, CONTRACTOR shall submit request stating the reasons for working those days to the Project Owner a minimum of two business days prior to the holiday or Sunday.

### LAWS TO BE OBSERVED

Stay fully informed of all Federal and State laws, all local laws, ordinances, and regulations, and all orders and decrees of authorities having any jurisdiction or authority that affect those engaged or employed on the Work, or that affect the conduct of the Work. Observe and comply with all such laws, ordinances, regulations, orders, and decrees. The CONTRACTOR will protect and indemnify the PROJECT OWNERS/SPONSOR and its representatives against any claim or liability arising from or based on the violation of any such law, ordinance, regulation, order, or decree, whether by the CONTRACTOR or the CONTRACTOR'S employees, subcontractors, or agents.

### PERMITS, LICENSES, AND TAXES

Permits, Licenses, and Taxes. Procure all permits and licenses; pay all charges, fees, and taxes; and provide all notices necessary and incidental to the due and lawful prosecution of the Work.

### SANITARY PROVISIONS

Provide and maintain sanitary accommodations in a neat condition for the use of employees and PROJECT OWNERS/SPONSOR representatives that comply with the requirements of the State and local Boards of Health, or of other authorities having jurisdiction over the Project.

### PROTECTION AND RESTORATION OF PROPERTY

The CONTRACTOR is responsible for the protection and restoration of all private and public property impacted by the CONTRACTOR'S operations in accordance with 107.10.

### STORAGE OF MATERIALS

No materials, including pipe, shall be stored within the public right-of-way or within 100 feet of any intersection, street, alley, or driveway. During non-working hours, storage of equipment shall comply with these same requirements. Compliance with these requirements shall not in any way relieve the CONTRACTOR of legal responsibilities or liabilities for the safety of the public.

### WORK LIMITS

Confine activities to the PROJECT LIMITS under development, construction and/or permanent easements and do not trespass upon other private property without the written consent of the owner.

## EARTHWORK

### CLEARING AND GRUBBING

Although there are no trees or stumps specifically marked for removal within the limits of the project, a lump sum quantity is included in the General Summary for Item 201. Clearing and Grubbing. All provisions as set forth in the CMS under this item are included in the Lump Sum price bid for Item 201. Clearing and Grubbing.

All vegetation debris in the forms of trees, stumps, shrubs etc., to be removed from the project work area is to be stockpiled on-site and spread throughout the restored wetland area.

The following estimated quantities have been included in the GENERAL SUMMARY for the work noted above:

201 CLEARING AND GRUBBING LUMP

### ROUNDING

The rounding at slope break points shown on the typical sections apply to all sections, even though otherwise shown.

### ITEM SPECIAL, TILE SEARCH & REMOVAL

At the locations shown on the plans, a tile search trench shall be excavated with a backhoe or other approved method to inspect for and remove sub-surface drainage tile. Topsoil from the trench area shall be removed and placed separately from sub-soil in order to replace following trench backfill. The trench shall be a minimum of 48" deep and 42" wide.

All tiles encountered along the course of the trench shall be removed 15-feet left and right of the trench for a total removal of 30-feet. If 15-feet in either direction is unobtainable, a total of thirty 30-feet of removal shall be performed. The contractor shall mark the limits of removal using a construction lathe and blue ribbon. Lathes to be labeled with the size, material, depth, and condition (e.g. flowing, filled w/ mud, dry).

The tile search trench and tile removal trench shall be backfilled with in-situ material in lifts with a maximum thickness of 6-inches. In the event the tile search encounters unsuitable material such as sand or gravel, suitable clay material will be used as backfill. Material shall be free from all sod, roots, frozen soil, stones larger than 6-inches diameter, and other objectionable material. A minimum of 6-inches of topsoil shall be placed over the tile search and removal trenches.

### ITEM SPECIAL, MICRO-TOPOGRAPHY RESTORATION

The item shall cover the supply of all labor, materials, and equipment required for the construction.

The CONTRACTOR shall disrupt the surface drainage in the "MICRO-TOPOGRAPHY RESTORATION" areas by creating small pockets of water by disturbing a minimum of 80% of the surface area by creating ruts, gouges, divots, depressions, surface drainage plugs, small pools, and small impoundments, etc. The work shall leave a minimum of 6-inches of topsoil coverage over the entire area.

Slopes in and around small pools, depressions, and impoundments shall typically have a maximum slope of 10:1 and no less than 1/2 of the perimeter shall have slopes steeper than 15:1. Following replacement of the topsoil average pool and depression depth shall be 18-inches but no greater than 24-inches. Pool and depression bottoms, along with impoundments, will NOT be smooth graded, depth can vary within the pool, but minimum topsoil coverage shall apply.

Size of depressions, pools, and impoundments shall vary from 0.10 acres to 0.50 acres, with a greater density of smaller pools. Shapes shall be irregular and vary from pool to pool. Due to the irregularity of this item, the Project Owner will provide on-site direction to the CONTRACTOR on a regular basis to ensure adequate coverage of drainage disturbance.

Stream and Wetlands  
FOUNDATION

NOTES & SPECIFICATIONS

TRUMBULL CREEK PHASE 3  
WETLANDS MITIGATION BANK SITE

C100

Stream + Wetlands Foundation- TC3  
D/A Processing No. LRB-2020-01259  
Ashtabula County, Ohio  
Quad: East Trumbull  
Sheet 10 of 13



## SEDIMENT AND EROSION CONTROL

### ITEM 832 TEMPORARY SEDIMENT AND EROSION CONTROL

#### 832.01 DESCRIPTION

This work shall be in accordance with the current version of the State of Ohio Department of Transportation (ODOT) Supplemental Specification 832 (SS832) unless revised within these plans or the project contract. This work consists of locating, furnishing, installing, and maintaining temporary sediment and erosion control Best Management Practices (BMP) for earth disturbing activity areas, performing Storm Water Pollution Prevention Plan (SWPPP), Storm Water Pollution Prevention Inspections, and filing a Co-Permittee form as required. Furnish and install temporary sediment and erosion control BMPs in compliance with all National Pollutant Discharge Elimination System (NPDES) and surface water permits. Amend the SWPPP in accordance with the Ohio Environmental Protection Agency (Ohio EPA) General Construction Stormwater NPDES Permit. In the event of conflict between these requirements and pollution control laws, rules, or regulations of other Federal, State, or local agencies, adhere to the more restrictive laws, rules, or regulations.

#### 832.02 DEFINITIONS. See SS832

#### 832.03 SCD REFERENCES

The current version of the following Standard Construction Drawings will be considered a part of these plans:

Construction Fence	DM-4.3
Filter Fabric Ditch Check	DM-4.4
Inlet Protection	DM-4.4
Perimeter Filter Fabric Fence	DM-4.4
Rock Channel Protection	DM-4.3/4.4
Construction Entrance (Type 1 Driveway)	BM-4.1

#### 832.04 REQUIREMENTS AND PROVISIONS

This plan, in its entirety along with referenced materials, will be considered the SWPPP. The ENGINEER will furnish the Contractor a copy of the Notice of Intent (NOI) and the OEPA approval letter at or before the Pre-Construction meeting.

Locate, furnish, install, and maintain temporary sediment and erosion control BMP that maintain compliance with the OEPA NPDES Permit, Clean Water Act (33 USC Section 1251 et seq.), the OWPCA, the 404 permit, the 401 WQC, the Isolated Wetland Permit, local government agency requirements, specifications, SCD, and other related rules and permits.

File a Co-Permittee form when the project requires a NOI to the OEPA. Information about electronic filing of the Co-Permittee notice can be found at:

<http://www.epa.state.oh.us/sw/permits/gpfa.cfm#37794352-applying-for-coverage>

Submit a copy of the Contractor's OEPA Co-Permittee approval notice or a copy of the submitted application to the ENGINEER at or before the Pre-Construction meeting.

The following provisions survive the completion and/or termination of the contract.

**Provision 1.** If a governmental agency or a local governmental authority finds a violation of the above noted requirements, or that the BMP are incomplete, or that the implementation of the SWPPP is not being performed correctly or completely, full responsibility is borne by the Contractor to make all corrections.

**Provision 2.** If a governmental agency or a local governmental authority furnishes an assessment, damage judgment or finding, fine, penalty, or expense for a violation of the above noted requirements, or that the BMP are incomplete, or that the implementation of the SWPPP is not being performed correctly or completely, the Contractor will reimburse the PROJECT OWNER/SPONSOR within 10 Calendar Days of the amount for any of the above. The PROJECT OWNER/SPONSOR may withhold the amount of money requested for the above from the Contractor's next pay estimate and deliver that sum to the governmental agency or local governmental authority issuing the assessment, damage judgment or finding, fine, penalty or expense.

**Provision 3.** The Contractor agrees to indemnify and hold harmless the PROJECT OWNER/SPONSOR, and will reimburse the PROJECT OWNER/SPONSOR for any assessments, damage judgment or finding, fine, penalty, or expense as a result of the failure of performing this portion of the Contract. The PROJECT OWNER/SPONSOR may withhold the amount of any assessments, damage judgment or finding, fine, penalty or expense from the Contractor's next pay estimate.

**Provision 4.** If a governmental agency or a local governmental authority (LGA) furnishes a stop work order for any of the following: a violation of the above noted requirements; BMP are incomplete; implementation of the SWPPP is not being performed correctly or completely, the PROJECT OWNER/SPONSOR will find the Contractor in default.

Provision 5. If the PROJECT OWNER/SPONSOR or any government regulatory agency finds a violation of the above noted requirements, or that the BMP are incomplete, or that the implementation of the SWPPP is not being performed correctly or completely, the Contractor shall correct and mitigate the conditions within 48 hours of notification by the PROJECT OWNER/SPONSOR or regulatory agency. Failure to correct non-compliance site conditions may result in the PROJECT OWNER/SPONSOR suspending work for the entire project until the corrections are performed. Repeated non-compliance with the SWPPP or failure to regularly update the SWPPP as needed to match the site conditions may result in removal of the Contractor's Superintendent in accordance with C&MS 108.05.

#### 832.05 FURNISH BMP

Furnish the BMP in accordance with the SWPPP details provided within these plans.

**A. Sediment Controls.** Install sediment controls immediately prior to earth disturbing activities. Ensure that ponding of water from sediment controls will not damage property or threaten human health or safety. All stormwater from disturbed areas is required to pass through a sediment control prior to being discharged from the project. Remove sediment controls when their tributary areas have been stabilized with at least 70% permanent vegetation.

**1. Perimeter Geotextile Fabric Fence.** Provide perimeter filter fabric fence to pond stormwater and trap sediment from sheet flow runoff. Use perimeter filter fabric fence as prescribed in the OEPA NPDES Permit at locations detailed within these plans or as directed by the PROJECT DESIGNER.

**2. Inlet Protection.** Provide inlet protection on existing storm sewer inlets to pond stormwater and trap sediment from the storm system. Install inlet protection for new structures once the inlet has potential to accept runoff.

**B. Erosion Controls.** The design intent of this project is to eliminate or greatly reduce all surface and sub-surface run-off by restoring the nature hydrologic regime of a functioning wetland ecosystem. Therefore the project itself is the construction of a BMP.

**1. Tile Search & Removal and Micro-Topography Restoration.** The majority of the project site will undergo micro-topography restoration and sub-surface tile removal per the details set forth in these plans. These activities will commence at higher elevations and work towards lower elevations, eliminating or reducing run-off as construction progresses. When performed properly, the restoration of micro-topography creates micro-sediment basins across the entire project site.

**2. Construction Seed and Mulch.** Apply seed and straw mulch materials according to C&MS 659 as modified below.

Apply straw mulch at a rate of 3 tons per acre (0.7 metric ton/1000 m<sup>2</sup>). This BMP may only be installed after March 15 and before October 15. Use wood fiber or compost mulch only with concurrence of the Department. Fertilize construction seeding areas at one-half the application rate specified in C&MS 659. If project conditions prevent fertilizing the soil, then the fertilizing requirements of C&MS 659 may be waived. Do not place construction seed or fertilizer on frozen ground. Apply seed and mulch for this BMP at the rates shown below:

Seed Mixture	Number of Bales
Annual Ryegrass 2 lb/1000 ft <sup>2</sup>	2 / 1000 ft <sup>2</sup>

**3. Winter Seed and Mulch.** Apply seed and straw mulch materials according to C&MS 659 as modified below. Apply straw mulch at a rate of 3 tons per acre (0.7 metric ton/1000 m<sup>2</sup>). Winter Seed and Mulch is required for EDA operations occurring between October 15 and March 15 and can only be installed during that time. When straw mulch is used in this BMP, it is required to be crimped in place. Crimped mulch is required to be anchored into the soil surface with a mechanical crimping implement or other suitable implement accepted by the Engineer. Bonded Fiber Matrix (BFM) may be used instead of straw mulch. BFM product and application rates should be selected to ensure extended periods of stabilization protection during winter months. Select BFM or alternative mulch products with an expected functional longevity of 6 months or more. Provide maintenance of the BMP throughout the winter seed and mulch period. Utilize slope drains, stormwater diversions or other erosion control BMP with winter seed and mulch to provide appropriate protection of the winter seed and mulch areas. The Department will not compensate for repairs or reapplication of winter seed and mulch resulting from inappropriate application or failure to appropriately protect the winter seed and mulch areas. The use of other seed and/or mulch materials in this time period requires specific Department approval. The use of winter seeding and mulching is not an acceptable practice for protecting the subgrade surface where pavement is anticipated.

Seed Mixture	Number of Bales
Fawn Tall Fescue 3.0lb./1000 ft <sup>2</sup> and Annual Ryegrass 2 lb/1000 ft <sup>2</sup>	2 / 1000 ft <sup>2</sup>

**4. Construction Mulch.** Construction Mulch is the application of straw mulch applied directly to the disturbed soil surface. Use straw according to C&MS 659. C&MS 659 wood fiber or compost mulch may only be used with concurrence of the Department. Apply Construction Mulch to areas that require temporary stabilization and where temporary vegetation is not considered desirable. Use a mechanical crimping implement or other suitable implement accepted by the Engineer when installing Construction Mulch on exposed subgrade. Apply Construction Mulch at a rate of 3 tons per acre (0.7 metric ton/1000 m<sup>2</sup>).

**5. Construction Entrance.** Furnish Construction Entrance materials conforming to C&MS 712.09 Type D Filter Blankets for Rock Channel Protection and C&MS 703.01, Size Number 1 and 2, CCS aggregate. Furnish Construction Entrance protection at the locations shown on the plans and as required below:

- At locations where construction vehicles enter or leave EDA areas.
- At all points of egress to public roads.
- At all access locations where runoff from the construction access road is not protected by sediment controls.

Provide the appropriate size culvert as needed to prevent water from flowing onto paved surfaces and from overtopping the construction entrance surface. Identify the culvert size on the SWPPP.

Provide a configuration consisting of 6 inches of aggregate over geotextile fabric. Provide geometry according to a Type 1 Driveway as shown in the SCD. Provide a minimum 10 foot width and length measuring a minimum of 150 feet and not exceeding 200 feet from edge of pavement.

Construction Entrance removal includes the appropriate disposal of geotextile fabric and pipe. Aggregate may be incorporated into embankment work in accordance with C&MS 203 when approved by the Engineer.

**6. Rock Ditch Check.** Provide rock ditch checks in open channel conveyances for velocity control and to protect against surface erosion of the channel. Install rock ditch checks concurrently with channel grading. Remove rock ditch checks once 70% permanent vegetation has established in the channel.

**7. Rock Channel Protection.** Provide rock channel protection without fabric for rock ditch checks. Provide rock channel protection with fabric for all other BMP. Provide rock channel protection where shown on the plans or as recommended by the Designer.

**C. Aquatic and Environmental Resource Protection.** If required and shown on the plans, provide construction fence for demarcation of aquatic and environmental resources. Alternative types of demarcation may be allowed when accepted by the Designer.

**832.06 TEMPORARY ACCESS FILLS.** See SS832 if applicable.

**832.07 TEMPORARY ACCESS FILLS CONSTRUCTION.** See SS832

#### 832.08 MAINTENANCE

Properly maintain all BMP throughout all phases and sequencing of construction activities. Dispose of silt removed from BMP according to C&MS 105.16. When the Contractor properly places the erosion control items then the PROJECT OWNER/SPONSOR will pay for the cost to maintain or replace these items of work by the following:

If a recorded rain event is greater than 0.5 inches (13mm), the Department will pay to replace all BMP that have been damaged as a result of the rain event at the unit price for those BMP including Sediment Removal as described in Appendix F. Record BMP replacement quantities using the SWPPPTrack software inspection software application. Replacement quantities not recorded in the SWPPPTrack software inspection software application will not be compensated. Restoration maintenance necessary to restore the BMP as a result of a rain event is included in the unit price for the BMP.

Stream and Wetlands  
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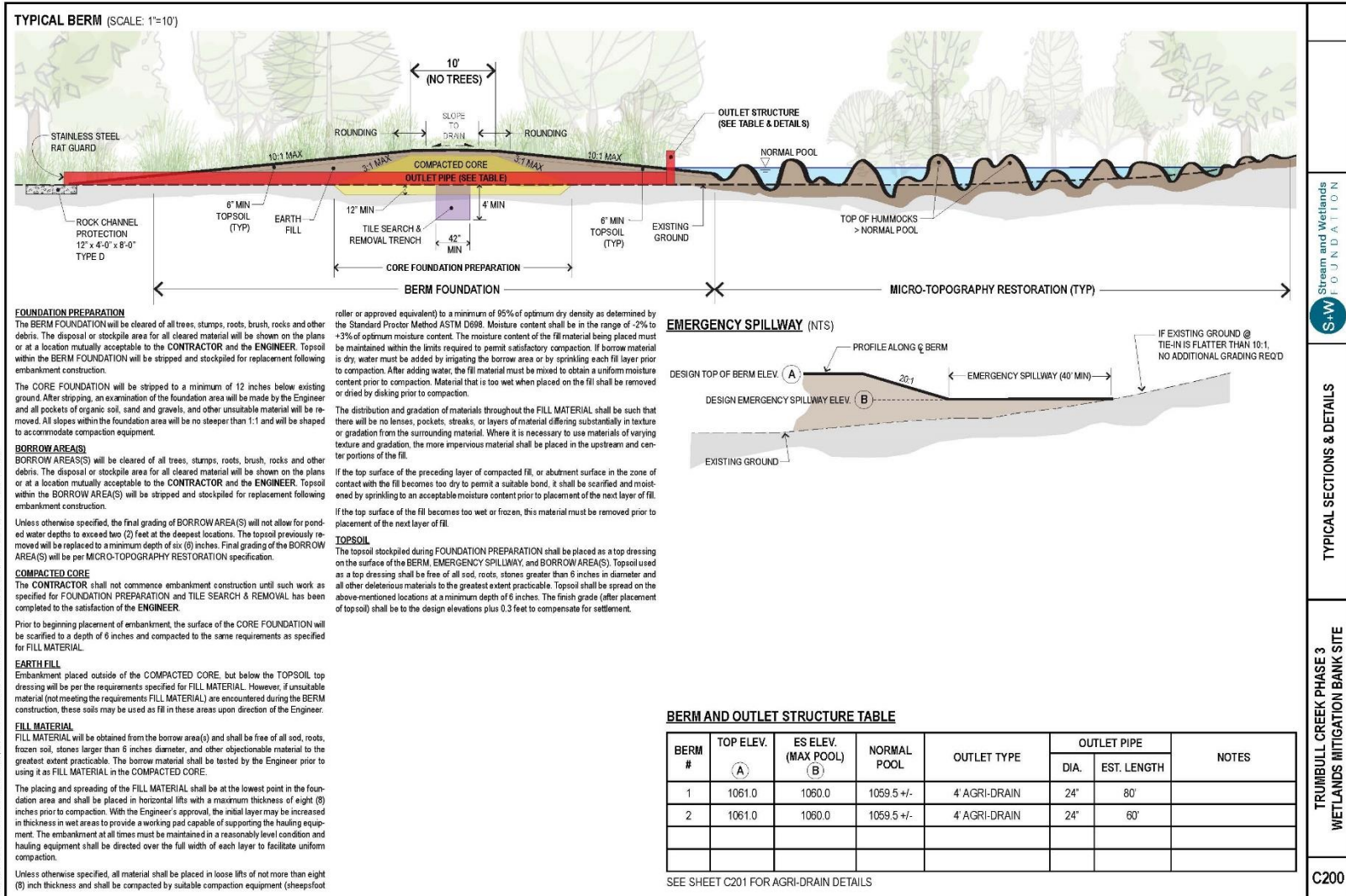
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Quad: East Trumbull  
Sheet 11 of 13

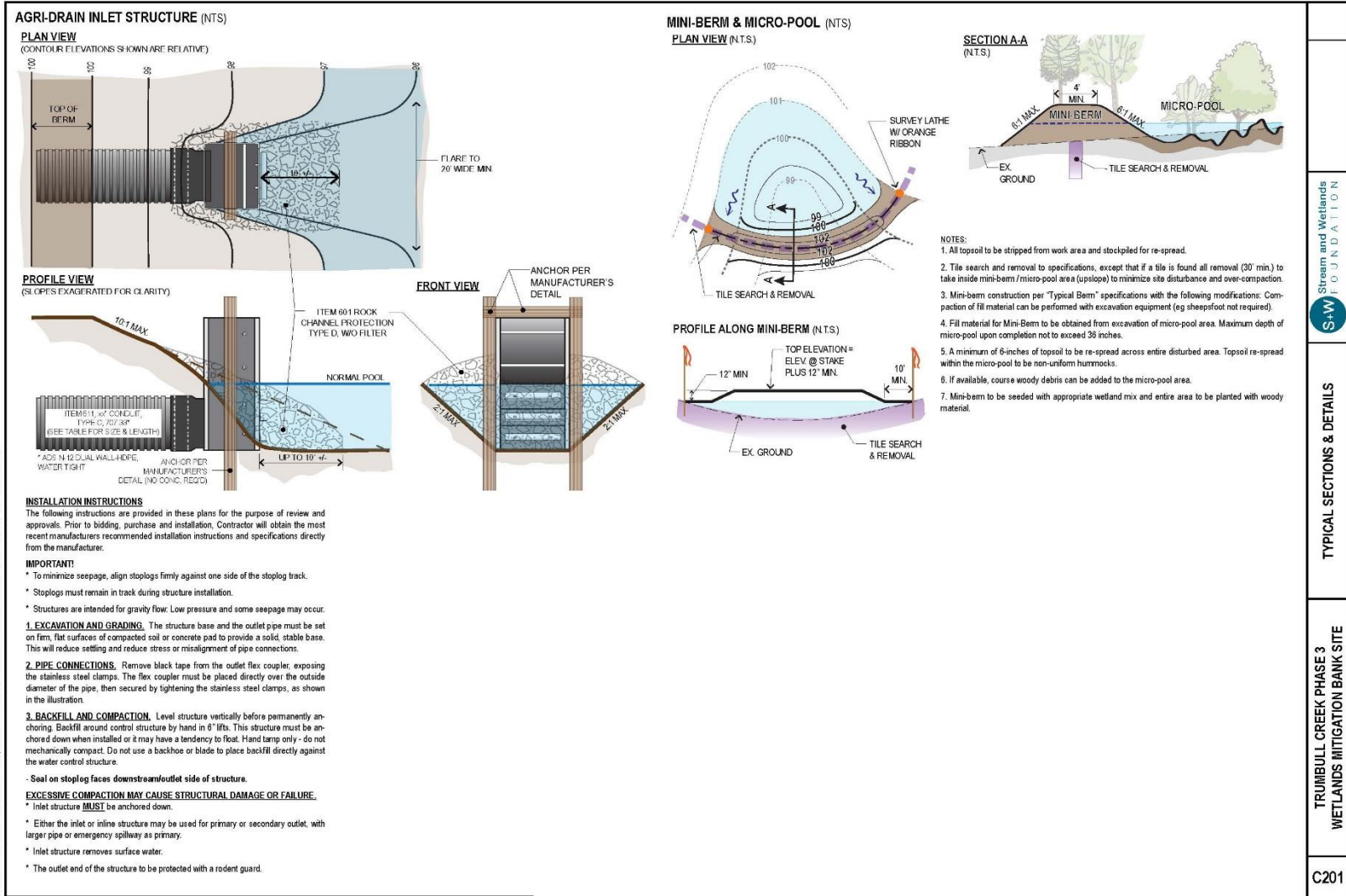






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Quad: East Trumbull  
Sheet 12 of 13





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D/A Processing No. LRB-2020-01259  
Ashtabula County, Ohio  
Quad: East Trumbull  
Sheet 13 of 13

